



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE

June 25, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

65 June 25, 2024

EDWARD YEN
EXECUTIVE OFFICER

**PUBLIC CONTRACTING AND ASSET MANAGEMENT CORE SERVICE AREA
INTRODUCTION AND ADOPTION OF AN ORDINANCE
TO AMEND SECTIONS 2.18.015 AND 2.18.025
OF TITLE 2 OF THE LOS ANGELES COUNTY CODE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to introduce and adopt an ordinance to amend Sections 2.18.015 and 2.18.025 of Title 2 of the Los Angeles County Code.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE COUNTY AND ALL OTHER AGENCIES AND AUTHORITIES FOR WHICH THE BOARD SO ACTS:

1. Find that the introduction and adoption of the proposed ordinance are not a project under the California Environmental Quality Act for the reasons stated in this Board letter and the record.
2. Introduce, waive reading, and place on the Board of Supervisors' agenda for adoption on the next available Board of Supervisors meeting an ordinance amending Section 2.18.015 of Title 2 of the Los Angeles County Code to extend through July 31, 2029, the Director of Public Works' delegated authority to issue permits and enter into agreements for the use of real property and improvements to real property under the administrative control of the Director of Public Works; amending Section 2.18.025 of Title 2 of the Los Angeles County Code to extend through July 31, 2029, the Director of Public Works' delegated authority to acquire real property for use by the County of Los Angeles and the Los Angeles County Flood Control District, in accordance with specified criteria; and clarifying the Director of Public Works' authority to take specified actions to comply with the California

Environmental Quality Act in connection with the delegated authority to acquire real property.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that they are not subject to the California Environmental Quality Act (CEQA) and amend Sections 2.18.015 and 2.18.025 of Title 2 of the Los Angeles County Code.

Sections 2.18.015 and 2.18.025 of Title 2 of the Los Angeles County Code pertain to the Director of Public Works' delegated authority to issue permits and enter into agreements for the use of real property and improvements to real property under the administrative control of the Director and to the Director's delegated authority to acquire real property or any interest in real property for use by Los Angeles County and the Los Angeles County Flood Control District where the purchase price for such interest does not exceed \$75,000.

The Director's delegated authority to issue permits and execute agreements under Section 2.18.015 will expire on May 1, 2025, and the Director's delegated authority to acquire property interests under Section 2.18.025 will expire on July 31, 2024. Adoption of the proposed ordinance will extend the Director's delegated authority for these actions through July 31, 2029.

Approval of the recommended actions will benefit the County as it will continue to reduce the number of instances the Board of Supervisors will be required to act regarding routine transactions involving the use of the County or the District property by non-County and non-District parties and the acquisition of real property for use by the County and the District. Any use of delegated authority pursuant to the ordinance will be reported to the Board by Public Works in its quarterly report.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: North Star 3, Realize Tomorrow's Government Today, Focus Area Goal G, Internal Controls and Processes, Strategy ii, Manage and Maximize County Assets, by continuing to enable the County and the District to use these assets in ways that are fiscally responsible and enhance customer service when entering into certain agreements or issuing permits, while promoting a collaborative approach to sustain essential services through proactive and prudent policies and stewardship.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

There will be some administrative cost savings attributable to the streamlined processes.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The amendment to Section 2.18.015 is authorized and required by Section 25537 of the California Government Code, which provides:

(a) "In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535, inclusive, for the leasing or licensing of any real property belonging to, leased by, or licensed by, the county. Any alternative procedure so prescribed shall require that the board of supervisors either accept the highest proposal for the proposed lease or

license submitted in response to a call for bids posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation, if the newspaper is published in the county, or reject all bids.

(b) Leases or licenses of a duration not exceeding 10 years and having an estimated monthly rental not exceeding a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in subdivision (a), except that notice shall be given pursuant to Section 6061, posted in the office of the clerk of the board of supervisors, and if the lease or license involves residential property, notice shall be given to the housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license. If a lease or license is excluded from the bidding procedure, the actual monthly rental in the executed lease or license may not exceed a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, may not exceed ten thousand dollars (\$10,000), the term of the executed lease or license shall not exceed 10 years, and the lease or license is not renewable.

(c) (1) The board of supervisors may, by ordinance, authorize the county officer or officers as are deemed appropriate, to execute leases or licenses pursuant to this section.

(2) A county officer's authority granted by ordinance under this section may not be effective for more than five years.

(3) A county officer authorized by the board of supervisors to execute licenses pursuant to this section shall provide a notice to the supervisorial district office in which the property proposed to be licensed is located at least five working days prior to execution of the license. The notice shall describe the property proposed to be licensed, the terms and conditions of the license, and the name of the proposed licensee. If the supervisorial district office has not responded in writing objecting to the proposed license within five working days after the notice has been provided, the proposed license shall be deemed approved by the district office. If the supervisorial district office objects to the proposed license in writing within five working days, the license may be submitted for approval by the board of supervisors at a regular meeting."

The amendment to Section 2.18.025 is authorized and required by Section 25350.60 of the California Government Code, which provides:

(a) "The board of supervisors of a county may, by ordinance, authorize a county officer it deems appropriate to perform any or all acts necessary to approve and accept for the county the acquisition of any interest in real property.

(b) The authorization shall specify procedures for the exercise of the authority by the officer so designated and shall establish a dollar limit on any purchase price.

(c) A county officer's authority granted by ordinance under this section may not be effective for more than five years."

The ordinance has been prepared and approved by County Counsel.

ENVIRONMENTAL DOCUMENTATION

The introduction and adoption of the ordinance are not subject to CEQA because they are activities that are excluded from the definition of a project by Section 21065 of the Public Resources Code and Section 15378(b) of the State CEQA Guidelines. These proposed actions are administrative activities of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

These actions will expedite delivery of projects and minimize delays.

CONCLUSION

Please return one adopted copy of this letter and ordinance to Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,



MARK PESTRELLA, PE

Director

MP:GE:dd

Enclosures

- c: Auditor-Controller (Accounting Division–Asset Management)
- Chief Executive Office (Chia-Ann Yen)
- County Counsel
- Executive Office

ANALYSIS

This ordinance amends Section 2.18.015 of Title 2 – Administration – of the Los Angeles County Code, concerning the delegated authority of the Director of Public Works ("Director") to issue permits or enter into agreements for the use of real property under the Director's administrative control, and it extends that delegated authority through and including July 31, 2029.

This ordinance also amends Section 2.18.025 of Title 2 – Administration – of the Los Angeles County Code, to clarify the Director's authority to take specified actions to comply with the California Environmental Quality Act in connection with exercising the Director's delegated authority to acquire real property for use by the County of Los Angeles and other special districts for which the Board of Supervisors is the ex officio governing body, and to extend that delegated authority through and including July 31, 2029.

DAWYN R. HARRISON
County Counsel



By
MARK T. YANAI
Principal Deputy County Counsel
Public Works Division

MTY:rm

Requested: 01/26/24
Revised: 05/03/24

ORDINANCE NO. _____

An ordinance amending Sections 2.18.015 and 2.18.025 of Title 2 – Administration – of the Los Angeles County Code, relating to the powers and duties of the Director of Public Works regarding real property.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.18.015 is hereby amended to read as follows:

2.18.015 Director of Public Works—Powers and Duties Generally.

In addition to the functions, duties, and responsibilities specified by the Charter of the County and by State statute or ordinance, and except as otherwise provided in this Chapter, the Director of Public Works ("Director") also shall have the duties specified in this Section:

...

Q. To negotiate, enter into, and amend agreements, and issue permits, for the use of real property, or interests therein, or improvements to real property, under the administrative control of the Director, including properties owned by the County of Los Angeles and other special districts for which the Board of Supervisors is the ex officio governing body, in accordance with the following provisions:

...

5. Except as provided in subsection R, below, the authority granted to the Director pursuant to this subsection, as it pertains to agreements for the use of real

properties owned by the County of Los Angeles, shall be effective through and including ~~May 1, 2025, July 31, 2029~~, after which time it shall be deemed expired and of no further effect.

...

SECTION 2. Section 2.18.025 is hereby amended to read as follows:

2.18.025 Director—Purchase of Real Property—\$75,000.00 or Less.

The Director is hereby authorized to perform all acts necessary to approve and accept the acquisition of any interest in real property for use by the County of Los Angeles or the ~~Los Angeles County Flood Control District~~ any special district for which the Board of Supervisors is the ex officio governing body where the purchase price, if any, for such interest does not exceed \$75,000.00 in accordance with the following specified procedures:

...

B. Environmental Clearance. The ~~purchase~~ acquisition may not be consummated prior to compliance with the applicable environmental statutes and regulations. The Director is authorized to take the following actions related to the California Environmental Quality Act ("CEQA") in connection with exercising the authority delegated to the Director in this Section:

1. Determine whether the acquisition constitutes a project under CEQA and, if so, whether that project is exempt from CEQA;

2. Review and consider Environmental Impact Reports, Mitigated Negative Declarations, and Negative Declarations certified or adopted by other public agencies, and determine whether the acquisition is within the scope thereof;

3. Determine whether or not an acquisition that is within the scope of an Environmental Impact Report, Mitigated Negative Declaration, or Negative Declaration certified or adopted by another public agency would have a significant effect on the environment;

4. With respect to subsection B.3, above, make findings as required by section 15091 of Title 14 of the California Code of Regulations; and

5. Adopt a mitigation monitoring program, as necessary, to comply with section 15096 of Title 14 of the California Code of Regulations.

...

H. Expiration of Authority. The authority granted to the Director pursuant to this Section to acquire any interest in real property for the County of Los Angeles shall be effective through and including July 31, ~~2024~~2029, after which time it shall be deemed expired and of no further effect.

[218015MYCC]